

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

IN THE MATTER OF:

JULIE K. SHELLEY
License No.: PT .1734

Respondent.

Case No.: 2013-13

CONSENT AGREEMENT

By agreement of the State Board of Physical Therapy Examiners (hereinafter "the Board") and the above named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(f) (1976, as amended)¹, in lieu of, *inter alia*, a hearing before a hearing officer or panel appointed by the Board. Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the authorization, filing, and service of a Formal Complaint and formal hearing procedures.

FINDINGS OF FACT

1. Respondent is duly licensed and registered to practice in South Carolina as a physical therapist. This license was first issued August 29, 1991 and is currently active. Respondent is subject to the jurisdiction of the Board pursuant to section 40-45-115.
2. Respondent admits to being granted authorization by the Board to engage in the practice of physical therapy based upon representations in the 2012 renewal application, regarding Respondent's qualifications for renewal in this State.
3. On June 21, 2013, the Board mailed Respondent a letter stating that her application was audited for compliance with continuing education requirements for the year ending December 31, 2012. Respondent was requested to submit proof of compliance for 30 CE hours needed for renewal.
4. On June 24, 2013, Respondent emailed Ms. Michelle Phillips with the State Board of Physical Therapist admitting that she was unable to provide the required information to support or substantiate sufficient CE hours for renewal. A copy of Respondent's letter is attached to and incorporated herein as **Exhibit 1.**
5. On September 19, 2013, Respondent emailed LLR Investigator Cheryl McNair to further explain her situation. A copy of Respondent's email to Investigator McNair is attached to and incorporated herein as **Exhibit 2.**

¹ Further reference to the South Carolina Code of Laws and South Carolina Code of Regulations shall be by code section only.

6. Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

1. Respondent admits that Respondent's actions in this matter constitute a violation of sections 40-1-110(1)(a) and S.C. Code Ann. Regs 101-07(1).
2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under S.C. Code Ann. § 40-45-110 and § 40-1-120 (Supp.2011).
3. Respondent hereby waives any further conclusions of law with respect to this matter.

THEREFORE, IT IS ORDERED WITH RESPONDENT'S CONSENT THAT:

1. Respondent's license shall be issued a **public reprimand**.
2. Respondent's license to practice physical therapy is hereby subject to a **suspension for one (1) year yet stayed when placed in a probationary status for a period not to exceed (5) years** subject to the conditions set forth herein below:
 - a. Respondent shall pay a civil penalty of **Two Thousand One Hundred Dollars (\$2,100.00)** within **six (6) months** of the effective date of service for this Agreement. Said civil penalty is not deemed paid until received in full by the Board.
 - b. Respondent shall, within six (6) months from the date of the Board's action on this Agreement, successfully complete a board-approved course in Ethics. The hours received from the Board-approved course **will not** be computed in the calculation of total continuing education requirements for licensure or renewal. Respondent must provide proof of the successful completion of the courses.
 - c. Respondent shall be subject to a **CE audit for the next two (2) renewal periods**.
3. Respondent acknowledges that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement, Respondent voluntarily relinquishes any right to judicial review of Board action(s), which may be taken concerning any related matters.
4. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately *administratively* suspended pending compliance. Non-compliance may also result in further discipline.

Any license law violation by Respondent constitutes a failure to meet the conditions of this Consent Agreement.

5. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that this Consent Agreement, if approved, will be disseminated as a public action of the Board in the manner provided by law.
6. Respondent understands and agrees that if this Consent Agreement is approved, it shall become a public document under the South Carolina Freedom of Information Act § 30-4-10, *et seq.*
7. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter. Respondent hereby agrees to waive any rights Respondent might have to challenge the impartiality of the Board to hear the underlying complaint based upon prior knowledge obtained by the Board through consideration of this Consent Agreement if, after review by the Board, this Consent Agreement is not approved.
8. Respondent shall, within thirty (30) days, notify the Board in writing of any changes in name, mailing address, or compliance with this Consent Agreement. Correspondence and copies of reports, notices and payments of civil penalties mentioned herein shall be directed to:

SC Dept. of Labor, Licensing and Regulation
ATTN: State Board of Physical Therapy Examiners - Compliance
Post Office Box 11329
Columbia, SC 29211-1329
9. This Consent Agreement shall take effect immediately upon receipt of a fully executed copy by Respondent or counsel for Respondent.

AND IT IS SO AGREED.

[Signatures are located on the following page]

**STATE BOARD OF PHYSICAL THERAPY
EXAMINERS**


Oct 9, 2014
Date


MARILYN M. SWYGERT, P.T.
Board Chair

WE CONSENT:


JULIE K SHELLEY
RESPONDENT

9/24/14, 2013


MEGAN J. FLANNERY
Assistant Disciplinary Counsel
S.C. Department of Labor, Licensing & Regulation
PO Box 11329
Columbia, SC 29211-1329
(803) 896-2374

Oct 3, 2014, 2013

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF PHYSICAL THERAPY**

In the Matter of:

Julie K Shelley
License No. PT. 1734

Respondent

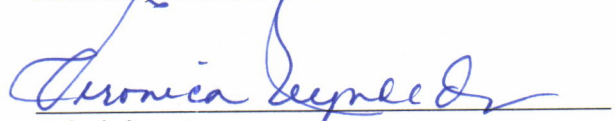
OIE 2013-13

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served within the **Consent Agreement** upon the person hereafter named, by placing the same in an envelope, securely wrapped, in the United States Mail, via certified mail, return receipt requested, and via first class mail, properly addressed to the said person hereafter named, at the place and address stated below, which is the last known address for the same:

Julie K. Shelley

SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION



Administrator
LLR-Office of Board Services
Post Office Box 11329
Columbia SC 29211 1329

12/18/ 2014.